

Remarks

Claims 10-29 are pending in the application, with claims 10, 19 and 20 being the independent claims. Claims 1-9 have previously been canceled, and claim 11 has been withdrawn from consideration.

This amendment is being filed concurrently with a Request for Continued Examination.

Based on the present Amendment and the following Remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Initially, Applicant would like to thank Examiner Choi for the courtesies extended to the Applicant's Representative during the telephonic interview of December 19, 2003.

Acknowledgement of Allowed Subject Matter

The indication in paragraph 6 of the Action that claims 19-25 contain allowable subject matter is gratefully noted. Claims 19 and 20 have been rewritten in independent form. Claims 21-25 depend from claim 20. Thus, claims 19-25 are now in condition for allowance.

Rejections under 35 U.S.C. § 102

Claims 10, 12, 13, 16 and 26-28 stand rejected under 35 U.S.C. §102 as being anticipated by U.S. Patent 5,816,261 to Dyett ("Dyett").

Claim 10 recites "said ledger moving along an essentially linear path."

As acknowledged by the Examiner during the interview, Dyett fails to teach this feature. The ledger of Dyett (ledger part 22 and/or 28) moves through an essentially circular path during the cutting cycle. (see col. 1, lines 27-37; and Fig. 2).

As such, claim 10 is allowable over Dyett. Claims 12, 13, 16 and 26-28 depend from claim 10 and are allowable as depending from an allowable claim.

Rejections under 35 U.S.C. § 103

Claims 10 and 12-15 are rejected under 35 U.S.C. §103 over U.S. Patent 5,050,471 to Niemann ("Niemann") in view of Dyett.

Dyett is cited for teaching first and second counterpoises, and the Action argues that it would be obvious to incorporate the first and second counterpoises of Dyett into the apparatus of Niemann. If Niemann is modified as proposed, the ledger of Niemann would follow the same path as that of Dyett, i.e., the path would not be linear, it would be circular. There is no way to incorporate the two counterpoises of Dyett into Niemann such that the ledger path is linear.

It is furthermore noted that the cutting systems of Dyett and Niemann are two totally different cutting systems and would not be combined by one skilled in the art. From Dyett, one skilled in the art infers the teaching of mounting the push rod such that it is articulated on two rotating disks and to arrange the mobile ledger at one of the free ends of the push rod. The kinematics of such an articulated arrangement is fundamentally different from the kinematics of the arrangement disclosed by Niemann.

As such, claim 10 also distinguishes over the combination of Niemann and Dyett. Claims 12-15 depend from claim 10 and are allowable as depending from an allowable claim.

Claims 17 and 18 stand rejected under 35 U.S.C. §103 as being unpatentable over Dyett in view of U.S. Patent 3,915,041 to Trofimov et al. ("Trofimov"). Claims 17 and 18 depend from claim 10. Trofimov fails to cure the deficiency of the rejection of claim 10 based on Dyett, as discussed above. As such, claims 17 and 18 are allowable over the combination of Dyett and Trofimov.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is hereby invited to telephone the undersigned at the number provided.

A Notice of Allowance with claims 10-29 is respectfully requested.

Respectfully submitted,

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